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Paper No. 7

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DEC 30 2003

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In re Application of:
GUST *et al.*
Serial No.: 09/806,540
Filed: March 30, 2001
Attorney Docket No.: 9138-0032

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SUA SPONTE
DECISION WITHDRAWING HOLDING OF
ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

The application was held abandoned for failure to timely file a response to the Office action mailed on February 12, 2003. A Notice of Abandonment was mailed on September 23, 2003.

A review of the written record indicates that a proper response to the Office action was previously filed on August 12, 2003, but not matched with the application prior to the mailing of the Notice of Abandonment. The response includes a request for a three-month extension of time and an amendment. Since the response was timely filed, the abandonment of the application was premature. Therefore, the application was not abandoned in fact.

For the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the examiner for consideration of the response.

Inquiries related to this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

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